

### **REMARKS**

Reconsideration of the above-referenced application in view of the above amendment, and of the following remarks, is respectfully requested.

Claims 3-7 and 9-15 are pending in this case. Claims 3 and 9 are amended herein and claims 1, 2, and 8 are cancelled herein. Claim 15 is added herein.

The Examiner rejected claims 1-14 under 35 U.S.C. 102(b) as being anticipated by Freeman et al. (U.S. Patent 6,472,288).

Applicant respectfully submits that claim 3 is unanticipated by Freeman as there is no disclosure or suggestion in Freeman of the first step of the deposition of the layer of silicon enhanced with germanium being implemented so that a continuous layer of silicon enhanced with germanium is deposited that comprises a crystalline layer of SiGe formed over the epitaxial layer of silicon in said first collector region and a polycrystalline layer of SiGe formed over said polycrystalline layer of silicon. The Examiner argues that layer 510 represents the polycrystalline layer of SiGe and that 610 represents the crystalline layer of SiGe. However, the text describes layer 610 as being layer 510 after conventional etching. There is no suggestion that one is polycrystalline and one is crystalline. They are both the same layer the only difference being before and after etching. Accordingly, Applicant respectfully submits that claim 3 and the claims dependent thereon are unanticipated by Freeman.

Applicant respectfully submits that claim 9 and the claims dependent thereon are similarly unanticipated by Freeman.

Applicant respectfully submits that claim 3 is further patentable over Freeman as there is no disclosure or suggestion in Freeman of the second step of deposition of the

layer of silicon enhanced with germanium being implemented so that a continuous further layer of silicon is crystalline deposited, enhanced with germanium so that over the epitaxial layer of silicon in the second collector region the further layer of crystalline SiGe is formed and over the polycrystalline layer of SiGe a further layer of polycrystalline SiGe is formed. In addition to not teaching a further layer of crystalline deposited silicon enhanced with germanium that comprises a further layer of crystalline SiGe over the second collector region and a further layer of polycrystalline SiGe, there is no disclosure or suggestion that a further layer of polycrystalline SiGe is formed over the polycrystalline layer of SiGe. Even if layer 510 were considered the polycrystalline layer of SiGe and layer 810 the further layer of polycrystalline SiGe, layer 510 is removed prior to forming layer 810 so one is not formed over the other as claimed. Accordingly, Applicant respectfully submits that claim 3 and the claims dependent thereon are unanticipated by Freeman.

Applicant respectfully submits that claim 10 and the claims dependent thereon are similarly unanticipated by Freeman.

Applicant respectfully submits that newly added claim 15 is patentable over Freeman as there is no disclosure or suggestion in Freeman of etching an opening through the first polycrystalline layer of SiGe, the polycrystalline layer of silicon, and the layer of silicon dioxide over the second collector region and depositing a second continuous layer of silicon enhanced with germanium such that a second layer of crystalline SiGe is formed over the second collector region and a second polycrystalline layer of SiGe is formed over the first polycrystalline layer of SiGe. Freeman does not teach forming an opening through a first polycrystalline layer of SiGe, a polycrystalline layer of silicon and a layer of silicon dioxide. Freeman teaches forming an opening through a second layer of polysilicon 710, the first layer of polysilicon being previously removed along with portions of layer 510 that do not form layer 610. Likewise Freeman does not teach a second polycrystalline layer of SiGe formed over a first polycrystalline layer of SiGe. Layer 810 is deposited after layer 510 is etched to form layer 610. If layer 610 is the crystalline SiGe and portions of layer 510 not forming 610 are the

polycrystalline SiGe as argued by the Examiner, the polycrystalline SiGe is removed prior to forming layer 810. Accordingly, Applicant respectfully submits that claim 15 is patentable over Freeman.

In light of the above, Applicant respectfully requests withdrawal of the Examiner's rejections and allowance of claims 3-7, and 9-15. If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address.

Respectfully submitted,

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